

Express Mail Label No. EV923358135US  
Date of Deposit: July 9, 2007

Attorney Docket No. 36459-501



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Sackstein  
SERIAL NUMBER: 10/042,421 EXAMINER: Phillip Garnbel  
FILING DATE: October 18, 2001 ART UNIT: 1644  
TITLE: HEMATOPOIETIC CELL E-SELECTIN/ L-SELECTIN LIGAND POLYPEPTIDES AND METHODS OF USE THEREOF

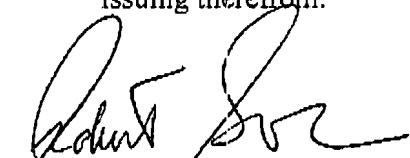
Assistant Commissioner for Patents  
Washington, D.C. 20231

## DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.132

I Robert Sackstein declare and state:

1. I am the sole inventor of the subject matter described and claimed in United States Patent Application Serial No. 10/042,421, filed October 18, 2001 ("the '421 application"), entitled "Hematopoietic Cell E-Selectin/ L-Selectin Ligand Polypeptides and Methods of Use Thereof".
2. In the September 7, 2006 Office Action in the above referenced patent application, the Examiner cited, *inter alia*, the following publication: Dimitroff et al., PNAS, 97:13841-13846 (2000) ("Dimitroff"). This Declaration is to establish that the Dimitroff publication does not describe an invention that was known or used by others before invention by applicant under 35 U.S.C. § 102(a).
3. I am a co-author of Dimitroff. Dimitroff describes my own work to the extent it provides experimental details of a study that was performed as a result of my ideas.
4. The services of the other authors on the publication (Dimitroff, Lee and Fuhlbrigge) were retained to carry out experimental work disclosed in the above journal article under my direction and my direct supervision.
5. The other authors on the publication (Dimitroff, Lee and Fuhlbrigge) did not materially contribute to the conception of the subject matter claimed in the present patent application.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that willful false statements may jeopardize the validity of this application and any patent issuing therefrom.



Robert Sackstein

7/5/07  
Date